

CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-10735-RGS**

Oleskey v. United States Department of Defense et al  
Assigned to: Judge Richard G. Stearns  
Cause: 05:552 Right to Privacy Act

Date Filed: 04/13/2005  
Date Terminated: 01/09/2013  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Stephen H. Oleskey**  
*on behalf of Guantanamo Internees  
Lakhdar Boumediene, Mohamed Nechla,  
Mustafa Ait Idir, Saber Lahmar, Hadj  
Boudella, and Belkacem Bensay Ah*

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V.

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**United States Department of Defense**

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**Defendant**

**United States Department Of Justice**

represented by **Mark T. Quinlivan**  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/13/2005	<u>1</u>	COMPLAINT against United States Department of Defense, United States Department Of Justice Filing fee: \$ 250, receipt number 63510, filed by Stephen H. Oleskey. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> )(Flaherty, Elaine) (Entered: 04/14/2005)
04/13/2005		Summons Issued as to United States Department of Defense, United States Department Of Justice. (Flaherty, Elaine) (Entered: 04/14/2005)
04/13/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Sorokin. (Flaherty, Elaine) (Entered: 04/14/2005)
06/01/2005	<u>2</u>	NOTICE of Appearance by Mark T. Quinlivan on behalf of United States Department of Defense, United States Department Of Justice (Quinlivan, Mark) (Entered: 06/01/2005)
06/01/2005	<u>3</u>	ANSWER to Complaint by United States Department of Defense, United States Department Of Justice.(Quinlivan, Mark) (Entered: 06/01/2005)
06/15/2005	<u>4</u>	SUMMONS Returned Executed United States Department of Defense served on 5/4/2005, answer due 5/24/2005. (Flaherty, Elaine) (Entered: 06/17/2005)
06/15/2005	<u>5</u>	SUMMONS Returned Executed (Flaherty, Elaine) (Entered: 06/17/2005)

06/15/2005	<u>6</u>	SUMMONS Returned Executed United States Department Of Justice served on 5/2/2005, answer due 5/23/2005. (Flaherty, Elaine) (Entered: 06/17/2005)
07/13/2005	<u>7</u>	NOTICE of Scheduling Conference: Scheduling Conference set for 7/28/2005 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 07/13/2005)
07/28/2005		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Scheduling Conference held on 7/28/2005. Attys. Soutter and Hoffer present for the plaintiffs, and Stephen Oleskey, Esq., was also present. AUSA Quinlivan present for the defts. Court, after colloquy with counsel, adopts the Joint Statement filed this date in open Court. The Court informs counsel that it would like to see the Order that is in place by Judge Alvin Hellerstein of the Southern District of New York, and the Govt. will provide a copy of that Order to the Court. The plaintiffs will, within the next 7 days, identify anything that is not covered by that Order issued by Judge Hellerstein which needs to be supplemented, and the Govt. will then have 7 days thereafter to respond. This Court, if it deems appropriate, will then issue an Order if necessary. The Govt. will produce pltf's specific records to pltf's counsel by September 28, 2005. Adjourn 3:30 P.M. (Court Reporter None.) (Johnson, Mary) Modified on 7/28/2005 (Johnson, Mary). (Entered: 07/28/2005)
07/28/2005	<u>8</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by Stephen H. Oleskey, United States Department of Defense, United States Department Of Justice.(Johnson, Mary) (Entered: 07/28/2005)
07/28/2005	<u>9</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Stephen H. Oleskey.(Johnson, Mary) (Entered: 07/28/2005)
08/01/2005	<u>10</u>	NOTICE by United States Department of Defense, United States Department Of Justice re Scheduling Conference,,, (Attachments: # <u>1</u> Order dated March 22, 2005, in American Civil Liberties Union, et al. v. Department of Defense, et al., No. 04-CV-4151 (AHK))(Quinlivan, Mark) (Entered: 08/01/2005)
08/04/2005	<u>11</u>	BRIEF by Stephen H. Oleskey <i>In Support of Plaintiff's Proposed FOIA Document Production Schedule For Request Nos. 10(f), 14, 15, and 17</i> . (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Soutter, Lynne) (Entered: 08/04/2005)
08/11/2005	<u>12</u>	Consent MOTION for Extension of Time to 8/12/2005 to File Response/Reply as to <u>11</u> Brief by United States Department of Defense, United States Department Of Justice.(Quinlivan, Mark) (Entered: 08/11/2005)
08/12/2005	<u>13</u>	Response by United States Department of Defense, United States Department Of Justice to <u>11</u> Brief. (Quinlivan, Mark) (Entered: 08/12/2005)
08/12/2005		Judge Richard G. Stearns : Electronic ORDER entered granting <u>12</u> Motion for Extension of Time to File Response/Reply re <u>12</u> Consent MOTION for Extension of Time to 8/12/2005 to File Response/Reply as to <u>11</u> Brief (Flaherty, Elaine) (Entered: 08/15/2005)
08/22/2005	<u>14</u>	Judge Richard G. Stearns : Memorandum and Order entered.(Giannotti, Diane) (Entered: 08/22/2005)
08/29/2005	<u>15</u>	Response by United States Department of Defense, United States Department Of Justice to <u>14</u> Memorandum & ORDER. (Quinlivan, Mark) (Entered: 08/29/2005)
09/28/2005	<u>16</u>	Consent MOTION to Modify Production schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 09/28/2005)
09/28/2005	<u>17</u>	AFFIDAVIT of John P. Taitt in Support re <u>16</u> Consent MOTION to Modify Production schedule filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 09/28/2005)
10/18/2005		Judge Richard G. Stearns : Electronic ORDER entered granting <u>16</u> Motion for Modification "Allowed. The Clerk will schedule a status conference the first week of December, 2005." (Flaherty, Elaine) (Entered: 10/19/2005)
10/25/2005		NOTICE of Status Conference: "a Status Conference with the Court (Stearns, DJ) is scheduled for WED., DECEMBER 7, 2005 AT 3:45 P.M." (Johnson, Mary) (Entered: 10/25/2005)

12/07/2005		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Status Conference held on 12/7/2005. Attys. Kirsch and Brunswick present for the plaintiffs. AUSA Quinlivan present for the deft. Plaintiffs have received documents from the Govt. and are reviewing same. Counsel are keeping in compliance with the modified production schedule that this Court allowed, and will contact the clerk in the Spring, 2006, to schedule a further status conference with the Court. (Court Reporter None.) (Johnson, Mary) Modified on 12/8/2005 (Johnson, Mary). (Entered: 12/08/2005)
04/07/2006	<u>18</u>	Consent MOTION to Modify Production Schedule by United States Department of Defense, United States Department Of Justice.(Quinlivan, Mark) (Entered: 04/07/2006)
04/24/2006		Judge Richard G. Stearns : Electronic ORDER entered granting <u>18</u> Motion for Modification (Flaherty, Elaine) (Entered: 04/25/2006)
02/14/2007		ELECTRONIC NOTICE to counsel of Status Conference : "Counsel are hereby ordered to appear before this Court for a STATUS CONFERENCE on MONDAY, MARCH 12, 2007 at 2:30 P.M. in Courtroom #21, 7th Floor. SO ORDERED". (Johnson, Mary) Modified on 2/14/2007 (Johnson, Mary). (Entered: 02/14/2007)
03/12/2007		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Status Conference held on 3/12/2007. Attys. Soutter and Kirsch present for the plaintiffs. AUSA Quinlivan present for the defendants. Parties report the ongoing status of the case and are trying to narrow the issues that are in dispute, for the Court. Parties request a further status conference in the next 120 days at which time they will request a briefing schedule. A Further Conference is scheduled for July 16, 2007 at 2:30 P.M. (Court Reporter None.) (Johnson, Mary) Modified on 3/13/2007 (Johnson, Mary). (Entered: 03/13/2007)
07/18/2007		ELECTRONIC NOTICE OF RESCHEDULING: Further Status Conference set for 8/29/2007 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 07/18/2007)
08/29/2007		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Further Status Conference held on 8/29/2007. Attys. Soutter and Kirsch present for the plaintiffs. AUSA Quinlivan present for the defts. After colloquy with the Court, advising that progress has been made by the parties, a further status conference is requested for the month of December. Therefore, the Court will set down a Further Status Conference for December 17, 2007 at 2:30 P.M. (Court Reporter None.) (Johnson, Mary) Modified on 8/29/2007 (Johnson, Mary). (Entered: 08/29/2007)
12/13/2007		ELECTRONIC NOTICE OF RESCHEDULING: "the further status conference currently scheduled for December 17, 2007 is re-scheduled to 1/14/2008 at 02:15 PM in Courtroom 21 before Judge Richard G. Stearns." Mary Johnson, Deputy Clerk. (Johnson, Mary) Modified on 12/13/2007 (Johnson, Mary). (Entered: 12/13/2007)
01/11/2008		ELECTRONIC NOTICE OF RESCHEDULING: "The Further Status Conference is re-scheduled to Friday, 1/18/2008 02:00 PM in Courtroom 21 before Judge Richard G. Stearns." (Johnson, Mary) (Entered: 01/11/2008)
01/18/2008		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns: Further Status Conference held on 1/18/2008. Parties are making significant progress and request a further conference in next 30 days. A Further Conference is scheduled for March 3, 2008 at 3:00 P.M. (Court Reporter: None.) (Attorneys present: Attys. Soutter and Kirsch for plaintiffs; AUSA Quinlivan for defendants) (Johnson, Mary) . (Entered: 01/18/2008)
02/29/2008		ELECTRONIC NOTICE OF RESCHEDULING: "The Further Status Conference is re-scheduled to 3/5/2008 at 04:00 PM in Courtroom 21 before Judge Richard G. Stearns. " Mary Johnson, Deputy Clerk.(Johnson, Mary) (Entered: 02/29/2008)
03/05/2008		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns: Further Status Conference held on 3/5/2008. The Government will file its motion for summary judgment on 5-1-08; plaintiffs will file a discovery motion as discussed at the conference 14 days thereafter. (Court Reporter: None.)(Attorneys present: AUSA Quinlivan; Attys. Soutter, Kirsch, Brunswick) (Johnson, Mary) .

		(Entered: 03/11/2008)
04/29/2008	<u>19</u>	Assented to MOTION for Extension of Time to May 15, 2008 to File <i>Motion for Summary Judgment Regarding Adequacy of Search</i> by United States Department of Defense, United States Department Of Justice.(Quinlivan, Mark) (Entered: 04/29/2008)
05/02/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>19</u> Motion for Extension of Time to File (Flaherty, Elaine) (Entered: 05/02/2008)
05/15/2008	<u>20</u>	Assented to MOTION for Extension of Time to May 22, 2008 to File <i>Motion for Summary Judgment and that Plaintiff Shall Have Until June 23, 2008, in which to File Response and/or Request for Discovery</i> by United States Department of Defense.(Quinlivan, Mark) (Entered: 05/15/2008)
05/19/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>20</u> Motion for Extension of Time to File until 5/22/08 to file motion for summary judgment and to 6/23/08 to rile response to request for discovery (Flaherty, Elaine) (Entered: 05/20/2008)
05/22/2008	<u>21</u>	MOTION for Summary Judgment <i>Regarding the Adequacy of the Search</i> by United States Department of Defense.(Quinlivan, Mark) (Entered: 05/22/2008)
05/22/2008	<u>22</u>	MEMORANDUM in Support re <u>21</u> MOTION for Summary Judgment <i>Regarding the Adequacy of the Search</i> filed by United States Department of Defense. (Attachments: # <u>1</u> Declaration of Captain Joseph B. Hoeing, # <u>2</u> Declaration of Captain Peter A. Husta, # <u>3</u> Declaration of Charles D. Stimson, # <u>4</u> Declaration of Colonel Joe E. Ethridge, Jr., # <u>5</u> Declaration of John P. Taitt)(Quinlivan, Mark) (Entered: 05/22/2008)
06/20/2008	<u>23</u>	NOTICE of Appearance by Lauren G. Brunswick on behalf of Stephen H. Oleskey (Brunswick, Lauren) (Entered: 06/20/2008)
06/23/2008	<u>24</u>	MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken by Stephen H. Oleskey. (Attachments: # <u>1</u> Affidavit of Lauren Brunswick in Support of Plaintiff's Rule 56(f) Motion)(Brunswick, Lauren) Modified on 7/29/2008 (Flaherty, Elaine). (Entered: 06/23/2008)
06/23/2008	<u>25</u>	MOTION for Leave to File <i>Memorandum of Law in Support of Plaintiff's Rule 56(f) Motion in Excess of Page Limit</i> by Stephen H. Oleskey. (Attachments: # <u>1</u> Exhibit Proposed Memorandum of Law in Support of Plaintiff's Rule 56(f) Motion and Attached Exhibits)(Brunswick, Lauren) (Entered: 06/23/2008)
06/23/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>25</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Prussia, Kevin) (Entered: 06/23/2008)
06/24/2008	<u>26</u>	MEMORANDUM in Support re <u>24</u> MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken filed by Stephen H. Oleskey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Brunswick, Lauren) (Entered: 06/24/2008)
07/07/2008	<u>27</u>	Assented to MOTION for Extension of Time to July 28, 2008 to File Response/Reply as to <u>24</u> MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken by United States Department of Defense.(Quinlivan, Mark) (Entered: 07/07/2008)
07/07/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>27</u> Motion for Extension of Time to File Response/Reply re <u>24</u> MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken Responses due by 7/28/2008 (Flaherty, Elaine) (Entered: 07/08/2008)
07/17/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>24</u> Motion to Continue (Zierk, Marsha) (Entered: 07/17/2008)



07/28/2008	<u>28</u>	Assented to MOTION for Extension of Time to August 1, 2008 to File Response/Reply to Plaintiff's Rule 56(f) Motion to Deny or, in the Alternative, Continue Defendant's Motion for Summary Judgment by United States Department of Defense.(Quinlivan, Mark) (Entered: 07/28/2008)
07/28/2008	<u>29</u>	Joint MOTION for Clarification re Order on Motion to Continue by Stephen H. Oleskey, United States Department of Defense.(Quinlivan, Mark) (Entered: 07/28/2008)
07/29/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>29</u> Motion for Clarification re <u>24</u> MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken filed by Stephen H. Oleskey. The July 17, 2008 Order granting Plaintiff's motion to continue is hereby VACATED. Defendant shall file his Reply to Plaintiff's motion within 14 days. (Zierk, Marsha) (Entered: 07/29/2008)
07/29/2008	<u>30</u>	Withdrawal of motion: <u>28</u> Assented to MOTION for Extension of Time to August 1, 2008 to File Response/Reply to Plaintiff's Rule 56(f) Motion to Deny or, in the Alternative, Continue Defendant's Motion for Summary Judgment Assented to MOTION for Extension of Time to August 1, 2008 to File Response/Reply to Plaintiff's Rule 56(f) Motion to Deny or, in the Alternative, Continue Defendant's Motion for Summary Judgment filed by United States Department of Defense.. (Quinlivan, Mark) (Entered: 07/29/2008)
08/12/2008	<u>31</u>	MEMORANDUM in Opposition re <u>24</u> MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 08/12/2008)
08/27/2008	<u>32</u>	MOTION for Leave to File Reply to Defendants' Opposition to Plaintiff's Rule 56(f) Motion by Stephen H. Oleskey. (Attachments: # <u>1</u> Exhibit A)(Brunswick, Lauren) (Entered: 08/27/2008)
08/28/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>32</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (RGS, law1) (Entered: 08/28/2008)
08/28/2008	<u>33</u>	REPLY to Response to <u>24</u> MOTION to Continue Defendants' Motion for Summary Judgment to For a reasonable time until discovery can be taken ( <i>leave to file granted on Aug. 28, 2008</i> ) filed by Stephen H. Oleskey. (Brunswick, Lauren) (Entered: 08/28/2008)
08/29/2008		Judge Richard G. Stearns: Electronic ORDER entered. In their Motion to Deny or in the Alternative, Continue Defendants Motion for Summary Judgement, plaintiffs ask the court for additional time to conduct discovery. For the court to consider their request, plaintiffs must supplement their motion, within ten days, notifying the court as to the length of the continuance they propose and the nature of the discovery that they solicit.(Zierk, Marsha) (Entered: 08/29/2008)
09/12/2008	<u>34</u>	Supplemental MOTION to continue discovery re: Motion for Summary Judgment ( <i>as requested by August 29, 2008 Court Order</i> ) by Stephen H. Oleskey.(Brunswick, Lauren) Modified on 9/17/2008 (Flaherty, Elaine). (Entered: 09/12/2008)
09/12/2008		Judge Richard G. Stearns: Electronic ORDER entered inviting defendants (if they believe that it would assist the court) to submit further briefing within ten (10) days in response to Plaintiff's Supplemental Briefing on the Rule 56(f) Motion. (Zierk, Marsha) (Entered: 09/12/2008)
09/22/2008	<u>35</u>	Supplemental MEMORANDUM in Opposition re <u>34</u> MOTION for Extension of Time to Complete Discovery filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 09/22/2008)
09/30/2008	<u>36</u>	Judge Richard G. Stearns: MEMORANDUM AND ORDER "...motion for summary judgment <u>21</u> is CONTINUED for sixty (60) days from the date of this Order. Oleskey's Rule 56(f) motion is ALLOWED and Olesky will have until November 30,2008, to conduct discovery bearing on the adequacy of the DoD's

		search..."(Flaherty, Elaine) Modified on 10/31/2008 (Flaherty, Elaine). (Entered: 09/30/2008)
10/10/2008	<u>37</u>	MOTION to Set Aside <i>Deadline for Response to Interrogatories</i> by Stephen H. Oleskey.(Brunswick, Lauren) (Entered: 10/10/2008)
10/14/2008	<u>38</u>	MEMORANDUM in Opposition re <u>37</u> MOTION to Set Aside <i>Deadline for Response to Interrogatories</i> filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Quinlivan, Mark) (Entered: 10/14/2008)
10/15/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>37</u> Motion to Set Aside (RGS, law2) (Entered: 10/15/2008)
11/21/2008	<u>39</u>	MOTION for Extension of Time to December 12, 2008 to Conduct Discovery by Stephen H. Oleskey.(Brunswick, Lauren) (Entered: 11/21/2008)
11/24/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>39</u> Motion for Extension of Time to complete discovery to December 12, 2008. Oleskey will have until January 9, 2009, to supplement his opposition to summary judgment. The DoD will have until January 26,2009, to respond. (RGS, law2) (Entered: 11/24/2008)
12/12/2008	<u>40</u>	MOTION for Extension of Time to January 16, 2009 to Complete Discovery by Stephen H. Oleskey.(Brunswick, Lauren) (Entered: 12/12/2008)
12/12/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>40</u> Motion for Extension of Time to Complete Discovery. The discovery period shall be extended to January 16, 2009 and plaintiff's Opposition to defendants' Motion for Summary Judgment shall be due no later than February 6, 2009. (RGS, law2) (Entered: 12/12/2008)
02/06/2009	<u>41</u>	Opposition re <u>21</u> MOTION for Summary Judgment <i>Regarding the Adequacy of the Search</i> filed by Stephen H. Oleskey. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Brunswick, Lauren) (Entered: 02/06/2009)
02/11/2009		ELECTRONIC NOTICE of Hearing on Motion #21: Motion Hearing set for 3/12/2009 at 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 02/11/2009)
02/20/2009	<u>42</u>	Joint MOTION Reschedule Hearing and for Leave for Defendants to File Response re Notice of Hearing on Motion by Stephen H. Oleskey, United States Department of Defense.(Quinlivan, Mark) (Entered: 02/20/2009)
02/20/2009		Judge Richard G. Stearns: Electronic ORDER entered granting <u>42</u> Motion to Reschedule Hearing. " Allowed as to both requests. The hearing, therefore, is re-scheduled to MONDAY, APRIL 6, 2009 AT 2:30 P.M." (Johnson, Mary). (Entered: 02/20/2009)
02/27/2009	<u>43</u>	Assented to MOTION for Extension of Time to March 6, 2009 to File Response/Reply as to <u>41</u> Opposition to Motion, by United States Department of Defense.(Quinlivan, Mark) (Entered: 02/27/2009)
03/02/2009		Judge Richard G. Stearns: Electronic ORDER entered granting <u>43</u> Assented to MOTION for Extension of Time to March 6, 2009 to File Response/Reply as to <u>41</u> Opposition to Motion. The government's response is due on or before 3/6/2009. (RGS, law2) (Entered: 03/02/2009)
03/06/2009	<u>44</u>	Assented to MOTION for Extension of Time to March 9, 2009 to File Response/Reply as to <u>41</u> Opposition to Motion, by United States Department of Defense.(Quinlivan, Mark) (Entered: 03/06/2009)
03/09/2009		Judge Richard G. Stearns: Electronic ORDER entered granting <u>44</u> Motion for Extension of Time to File Response/Reply to March 9, 2009 to File Response/Reply as to <u>41</u> Opposition to Motion. Response due by 3/9/2009. (RGS, law2) (Entered: 03/09/2009)

03/09/2009	<u>45</u>	Supplemental MEMORANDUM in Support re <u>21</u> MOTION for Summary Judgment <i>Regarding the Adequacy of the Search</i> filed by United States Department of Defense. (Attachments: # <u>1</u> Joint Statement, # <u>2</u> Memorandum and Order on Plaintiff's FOIA Request)(Quinlivan, Mark) (Entered: 03/09/2009)
04/06/2009		Clerk's Notes for proceedings held before Judge Richard G. Stearns: Motion Hearing held on 4/6/2009 re <u>21</u> MOTION for Summary Judgment Regarding the Adequacy of the Search, filed by United States Department of Defense. After hearing oral argument, the court takes the matter UNDER ADVISEMENT. (Court Reporter: C. Handel)(Attorneys present: Soutter, Kirsch, Brunswick (for plaintiff); Quinlivan (for Dept. of Defense)) (RGS, law2) (Entered: 04/06/2009)
05/08/2009	<u>47</u>	NOTICE by United States Department of Defense <i>of Filing of Supplemental Declaration</i> (Attachments: # <u>1</u> Declaration of Commander Don A. Martin)(Quinlivan, Mark) (Entered: 05/08/2009)
09/30/2009	<u>48</u>	Judge Richard G. Stearns: ORDER entered on Motion for Summary Judgment by Department of Defense regarding adequacy of FOIA search. (Zierk, Marsha) (Entered: 10/01/2009)
09/30/2009	<u>49</u>	Judge Richard G. Stearns: JUDGMENT in favor of Defendants against Plaintiff.(Seelye, Terri) (Entered: 10/01/2009)
10/01/2009		ELECTRONIC NOTICE of Hearing : Status Conference set for 10/13/2009 at 4:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 10/01/2009)
10/07/2009		ELECTRONIC NOTICE OF RESCHEDULING : Status Conference RESET for 10/14/2009 at 9:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 10/07/2009)
10/14/2009		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns: Status Conference held on 10/14/2009. Parties will file a joint proposed schedule in thirty (30) days. SO ORDERED. (Court Reporter: James Gibbons.)(Attorneys present: Lynne C. Soutter, Robert C. Kirsch, Lauren G. Brunswick, and Melissa A. Hoffer for plaintiff Stephen H. Oleskey; Mark T. Quinlivan for defendants U.S. Department of Defense and U.S. Department of Justice) (RGS, law2) (Entered: 10/14/2009)
11/12/2009	<u>50</u>	Assented to MOTION for Extension of Time to November 23, 2009 to File Joint Proposed Schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 11/12/2009)
11/12/2009		Judge Richard G. Stearns: Electronic ORDER entered granting <u>50</u> Motion for Extension of Time. The Joint Proposed Schedule is now due November 23, 2009. SO ORDERED. (RGS, law2) (Entered: 11/12/2009)
11/23/2009	<u>51</u>	JOINT STATEMENT of counsel <i>re: Schedule</i> . (Quinlivan, Mark) (Entered: 11/23/2009)
11/24/2009		Case Reopened (Flaherty, Elaine) (Entered: 11/24/2009)
11/24/2009		Judge Richard G. Stearns: ELECTRONIC ENDORSEMENT re <u>51</u> Joint statement of counsel "APPROVED and so ordered." "...After this review has been completed, the parties will meet and confer and propose a briefing schedule within two weeks, on or before 2/12/10, regarding DoD's anticipated motion for summary judgment justifying the exemptions that have been claimed." (Flaherty, Elaine) (Entered: 11/24/2009)
02/03/2010	<u>52</u>	Assented to MOTION to Modify Joint Proposed Schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 02/03/2010)
02/04/2010		Judge Richard G. Stearns: Electronic ORDER entered granting <u>52</u> Motion for Modification (Flaherty, Elaine) (Entered: 02/04/2010)
02/19/2010	<u>53</u>	Assented to MOTION to Modify Joint Proposed Schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 02/19/2010)



02/22/2010		Judge Richard G. Stearns: Electronic ORDER entered granting <u>53</u> Motion for Modification "after DoD has completed this review, the parties will meet and confer and propose a briefing schedule by 3/5/10, re: DoD's anticipated motion for S/J." (Flaherty, Elaine) (Entered: 02/22/2010)
03/05/2010	<u>54</u>	Proposed Document(s) submitted by United States Department of Defense. Document received: Joint Proposed Briefing Schedule. (Quinlivan, Mark) (Entered: 03/05/2010)
03/08/2010		Judge Richard G. Stearns: ELECTRONIC ENDORSEMENT re <u>54</u> Proposed Document(s) submitted filed by United States Department of Defense "Approved. Defendant's Motion by 4/2/10 Pltf opp to deft DoD's S/J by 5/7/10; reply 5/21/10; surreply 6/4/10." (Flaherty, Elaine) Modified on 3/12/2010 (Flaherty, Elaine). (Entered: 03/08/2010)
03/12/2010		Notice of correction to docket made by Court staff. Correction: 3/8/10 electronic order corrected because: to add and correct filing deadline dates Counsel please take note. (Flaherty, Elaine) (Entered: 03/12/2010)
04/02/2010	<u>55</u>	Assented to MOTION to Modify Joint Proposed Briefing Schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 04/02/2010)
04/02/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>55</u> Motion for Modification Deft DoD file summary judgment 4/9/10; Plaintiff opposition to summary judgment by 5/14/10; reply 5/28/10; surreply 6/11/10. (Flaherty, Elaine) (Entered: 04/02/2010)
04/07/2010	<u>56</u>	MOTION to Produce <i>Withheld Documents Following In Camera Review</i> by Stephen H. Oleskey.(Brunswick, Lauren) (Entered: 04/07/2010)
04/07/2010	<u>57</u>	MEMORANDUM in Support re <u>56</u> MOTION to Produce <i>Withheld Documents Following In Camera Review</i> filed by Stephen H. Oleskey. (Attachments: # <u>1</u> Exhibit A)(Brunswick, Lauren) (Entered: 04/07/2010)
04/07/2010	<u>58</u>	NOTICE of Appearance by Christopher L. Morgan on behalf of Stephen H. Oleskey (Morgan, Christopher) (Entered: 04/07/2010)
04/08/2010	<u>59</u>	Joint MOTION to Modify Briefing Schedule by Stephen H. Oleskey, United States Department of Defense.(Quinlivan, Mark) (Entered: 04/08/2010)
04/09/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>59</u> Motion for Modification Deft DoD shall file a consolidated motion for summary judgment by 4/16/10; Plaintiff file consolidated response by 5/21/10. DoD reply 6/4/10; Plaintiff surreply by 6/18/10. (Flaherty, Elaine) (Entered: 04/09/2010)
04/16/2010	<u>60</u>	Assented to MOTION for Extension of Time to April 19, 2010 to File <i>Motion for Summary Judgment</i> by United States Department of Defense.(Quinlivan, Mark) (Entered: 04/16/2010)
04/16/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>60</u> Motion for Extension of Time to File. The government's motion for summary judgment is now due April 19, 2010. SO ORDERED. (RGS, law2) (Entered: 04/16/2010)
04/19/2010	<u>61</u>	MOTION for Summary Judgment <i>Regarding Withholdings</i> by United States Department of Defense.(Quinlivan, Mark) (Entered: 04/19/2010)
04/19/2010	<u>62</u>	MEMORANDUM in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/19/2010)
04/20/2010	<u>63</u>	MOTION for Leave to File Excess Pages <i>and for One-Day Extension to File Supporting Declarations and Vaughn Indexes</i> by United States Department of Defense.(Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>63</u> Motion for Leave to File Excess Pages and for One-Day Extension to File Supporting Declarations and Vaughn Indexes. (RGS, law2) (Entered: 04/20/2010)

04/20/2010	<u>64</u>	AFFIDAVIT of Rear Admiral Harry B. Harris (JTF-GTMO) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>65</u>	AFFIDAVIT of Rear Admiral Mark H. Buzby (JTF-GTMO) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>66</u>	AFFIDAVIT of Rear Admiral Mark H. Buzby (Second) (JTF-GTMO) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>67</u>	AFFIDAVIT of Captain Peter A. Husta (JTF-GTMO) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>68</u>	AFFIDAVIT of Declaration of Colonel Joe E. Ethridge, Jr. (CITF) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>69</u>	AFFIDAVIT of David T. Cox (CITF) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>70</u>	AFFIDAVIT of Brian S. Kinsey (DIA) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>71</u>	AFFIDAVIT of Susan J. Butterfield (INSCOM) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>72</u>	AFFIDAVIT of Captain Joseph B. Hoeing, Jr. (EUCOM) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>73</u>	AFFIDAVIT of Captain Joseph B. Hoeing, Jr. (Second) (EUCOM) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>74</u>	AFFIDAVIT of Captain Vernon D. Bashaw (EUCOM) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>75</u>	AFFIDAVIT of Lieutenant Colonel Randall L. Horton (EUCOM) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>76</u>	AFFIDAVIT of Carl E. Johnson (U.S. Army Europe) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>77</u>	AFFIDAVIT of Charles D. Stimson (Detainee Affairs) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>78</u>	AFFIDAVIT of Captain Joseph B. Hoeing, Jr. (USNIC) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>79</u>	AFFIDAVIT of John P. Taitt (Office of General Counsel) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>80</u>	AFFIDAVIT of Alice S. Ritchie (State) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)

04/20/2010	<u>81</u>	AFFIDAVIT of David M. Hardy (FBI) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/20/2010	<u>82</u>	AFFIDAVIT of Dorothy S. Beaty (USNCB) in Support re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/20/2010)
04/22/2010	<u>83</u>	NOTICE of Withdrawal of Appearance by Lauren G. Brunswick (Brunswick, Lauren) (Entered: 04/22/2010)
05/05/2010	<u>84</u>	NOTICE of Withdrawal of Appearance by Lynne C. Soutter (Soutter, Lynne) (Entered: 05/05/2010)
05/10/2010	<u>85</u>	Assented to MOTION to Modify Joint Proposed Briefing Schedule by Stephen H. Oleskey.(Morgan, Christopher) (Entered: 05/10/2010)
05/10/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>85</u> Motion for Modification "Plaintiff to file a consolidated opposition to defendant DoD's motion for summary judgment by 6/21/10 and reply in support of plaintiff's motion for in camera review and to compel. Defendant DoD shall file a reply in support of its motion for summary judgment by 7/6/10. Plaintiff shall file a surreply by 7/19/10." (Flaherty, Elaine) (Entered: 05/10/2010)
06/07/2010	<u>86</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Daniel Norland Filing fee: \$ 50, receipt number 0101-2934575 by Stephen H. Oleskey.(Morgan, Christopher) (Entered: 06/07/2010)
06/07/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>86</u> Motion for Leave to Appear Pro Hac Vice Added Norland. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Flaherty, Elaine) (Entered: 06/07/2010)
06/16/2010	<u>87</u>	Assented to MOTION for Leave to File Excess Pages by Stephen H. Oleskey.(Norland, Daniel) (Entered: 06/16/2010)
06/16/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>87</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (RGS, law2) (Entered: 06/16/2010)
06/18/2010	<u>88</u>	Assented to MOTION for Extension of Time to 6/23/2010 to File <i>Consolidated Opposition to Defendant DoD's Motion for Summary Judgment and Reply in Support of Plaintiff's Motion for In Camera Review</i> by Stephen H. Oleskey.(Norland, Daniel) (Entered: 06/18/2010)
06/18/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>88</u> Motion for Extension of Time to File. Plaintiff's consolidated opposition is now due June 23, 2010. SO ORDERED. (RGS, law2) (Entered: 06/18/2010)
06/18/2010		Judge Richard G. Stearns: ORDER entered. ELECTRONIC ENDORSEMENT re Order on Motion for Extension of Time to File "Government's Reply should now be due July 8, 2010 and plaintiff's sur-reply due 7/21/10."(Flaherty, Elaine) (Entered: 06/18/2010)
06/23/2010	<u>89</u>	Assented to MOTION to Modify Joint Proposed Briefing Schedule by Stephen H. Oleskey.(Norland, Daniel) (Entered: 06/23/2010)
06/23/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>89</u> Motion for Modification. Plaintiff's consolidated opposition to summary judgment and reply in support of motion for <i>in camera</i> review due 6/30/10; Government's reply due 7/20/10; Plaintiff's surreply due 8/3/10. SO ORDERED. (RGS, law2) (Entered: 06/23/2010)

06/24/2010		ELECTRONIC NOTICE Setting Hearing on MOTION <u>61</u> for Summary Judgment <i>Regarding Withholdings</i> and <u>56</u> MOTION to Produce <i>Withheld Documents Following In Camera Review</i> : Motion Hearing set for 9/16/2010 at 3:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 06/24/2010)
06/24/2010		ELECTRONIC NOTICE issued requesting courtesy copy for <u>70</u> Affidavit in Support of Motion, <u>71</u> Affidavit in Support of Motion, <u>74</u> Affidavit in Support of Motion, <u>66</u> Affidavit in Support of Motion, <u>72</u> Affidavit in Support of Motion, <u>76</u> Affidavit in Support of Motion, <u>65</u> Affidavit in Support of Motion, <u>79</u> Affidavit in Support of Motion, <u>68</u> Affidavit in Support of Motion, <u>64</u> Affidavit in Support of Motion, <u>67</u> Affidavit in Support of Motion, <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> , <u>73</u> Affidavit in Support of Motion, <u>69</u> Affidavit in Support of Motion, <u>78</u> Affidavit in Support of Motion, <u>75</u> Affidavit in Support of Motion, <u>77</u> Affidavit in Support of Motion, <u>62</u> Memorandum in Support of Motion, <u>80</u> Affidavit in Support of Motion, <u>82</u> Affidavit in Support of Motion, <u>81</u> Affidavit in Support of Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Flaherty, Elaine) (Entered: 06/24/2010)
06/30/2010	<u>90</u>	Opposition re <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by Stephen H. Oleskey. (Norland, Daniel) (Entered: 06/30/2010)
07/14/2010		ELECTRONIC NOTICE Resetting Hearing on Motions: <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> and <u>56</u> MOTION to Produce <i>Withheld Documents Following In Camera Review</i> : Motion Hearing RESET for 9/13/2010 at 3:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 07/14/2010)
07/15/2010	<u>91</u>	Assented to MOTION to Modify Briefing Schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 07/15/2010)
07/19/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>91</u> Motion for Modification. (Tyler, Rebecca) (Entered: 07/19/2010)
07/19/2010		Set/Reset Deadlines: Reply due 7/30/2010; Surreply due 8/17/2010. (Tyler, Rebecca) (Entered: 07/19/2010)
07/31/2010	<u>92</u>	REPLY to Response to <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit Relevant Redacted Pages)(Quinlivan, Mark) (Entered: 07/31/2010)
07/31/2010	<u>93</u>	MOTION for Leave to File <i>Reply Memorandum One Day out of Time</i> by United States Department of Defense.(Quinlivan, Mark) (Entered: 07/31/2010)
08/05/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>93</u> Motion for Leave to File Document one day out of time; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Zierk, Marsha) (Entered: 08/05/2010)
08/05/2010	<u>94</u>	REPLY to Response to <u>61</u> MOTION for Summary Judgment <i>Regarding Withholdings</i> filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit Relevant Redacted Pages)(Quinlivan, Mark) (Entered: 08/05/2010)
08/12/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting in part and denying without prejudice in part <u>56</u> Motion to Produce; denying without prejudice <u>61</u> Motion for Summary Judgment. The Motion to Produce is ALLOWED, but only to the extent that court will conduct an in camera review of the materials identified by plaintiffs in their motion. The court reserves ruling on the request for an Order instructing the defendants to produce the materials at issue; the court will make that determination following its in camera review. Defendants shall contact the Clerk to arrange the court's in camera review. The motion for summary judgment <u>61</u> is DENIED without prejudice. The defendants, in their latest filing, have indicated that they will re-review several documents. Following their



		re-review, defendants shall file a brief statement indicating to the court whether their position has changed in any way. The court will defer summary judgment until it completes its in camera review, and the defendants have filed their supplemental submission. (Tyler, Rebecca) (Entered: 08/12/2010)
08/13/2010		ELECTRONIC NOTICE Canceling the 9/13/10 Motion Hearing. (Seelye, Terri) (Entered: 08/13/2010)
08/16/2010	<u>95</u>	Joint MOTION to Modify Briefing Schedule by United States Department of Defense.(Quinlivan, Mark) (Entered: 08/16/2010)
08/17/2010		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>95</u> Motion for Modification. Defendants shall file their supplemental statement by September 30, 2010. Plaintiffs shall file their response/sur-reply by October 14, 2010. (Tyler, Rebecca) (Entered: 08/17/2010)
08/17/2010		Set/Reset Deadlines. Defendants' supplemental statement due by Sept. 30, 2010. Plaintiffs' response/sur-reply due October 14, 2010. (Tyler, Rebecca) (Entered: 08/17/2010)
09/08/2010	<u>96</u>	Letter/request (non-motion) from Robert C. Kirsch <i>Regarding In Camera Review</i> . (Norland, Daniel) (Entered: 09/08/2010)
09/13/2010	<u>97</u>	NOTICE of Withdrawal of Appearance by Daniel Hartnett Norland (Norland, Daniel) (Entered: 09/13/2010)
09/20/2010	<u>98</u>	Letter/request (non-motion) from Mark T. Quinlivan <i>Regarding In Camera Review</i> . (Quinlivan, Mark) (Entered: 09/20/2010)
09/30/2010	<u>99</u>	MEMORANDUM OF LAW by United States Department of Defense. (Attachments: # <u>1</u> Declaration of Karen L. Hecker in AP v. DoD, # <u>2</u> Letter to plaintiff's counsel in AP v. DoD)(Quinlivan, Mark) (Entered: 09/30/2010)
10/14/2010	<u>100</u>	MEMORANDUM OF LAW by Stephen H. Oleskey to <u>99</u> Memorandum of Law. (Morgan, Christopher) (Entered: 10/14/2010)
11/02/2010	<u>101</u>	NOTICE by United States Department of Defense <i>of Filing of Supplemental Declarations</i> (Attachments: # <u>1</u> Declaration of Captain Don A. Martin, # <u>2</u> Supplemental Declaration of Justin A. Graf)(Quinlivan, Mark) (Entered: 11/02/2010)
03/31/2011	<u>102</u>	NOTICE by United States Department of Defense <i>and Statement Regarding Supreme Court's Decision in Milner v. Dept. of the Navy</i> (Attachments: # <u>1</u> Milner v. Dept. of the Navy, 131 S. Ct. 1259 (2011))(Quinlivan, Mark) (Entered: 03/31/2011)
04/15/2011	<u>103</u>	STATEMENT OF COUNSEL of Department of Defense re <u>102</u> Notice (Other) by United States Department of Defense. (Quinlivan, Mark) (Entered: 04/15/2011)
06/09/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered requesting that the parties, within the next fourteen days, provide the court with a report regarding the status of this case. (Zierk, Marsha) (Entered: 06/09/2011)
06/23/2011	<u>104</u>	STATUS REPORT ( <i>Joint</i> ) by United States Department of Defense. (Quinlivan, Mark) (Entered: 06/23/2011)
06/24/2011	<u>105</u>	CERTIFICATE OF SERVICE pursuant to LR 5.2 by United States Department of Defense re <u>104</u> Status Report ( <i>Joint</i> ). (Quinlivan, Mark) (Entered: 06/24/2011)
06/27/2011	<u>106</u>	Judge Richard G. Stearns: MEMORANDUM AND SCHEDULING ORDER entered: In lieu of a status conference, the court will ORDER the parties to submit on or before August 5, 2011, a joint statement summarizing those issues that the parties believe must be resolved to bring the case to a conclusion. The court will further schedule a hearing to convene at 3:00 p.m. on August 23, 2011, to hear all outstanding motions. (RGS, law2) (Entered: 06/27/2011)
06/27/2011		ELECTRONIC NOTICE of Hearing :Hearing (all outstanding motions) set for 8/23/2011 at 3:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 06/27/2011)



07/28/2011	<u>107</u>	STATEMENT OF COUNSEL of Robert C. Kirsch and Mark T. Quinlivan ( <i>Joint Regarding Pending Motions</i> ) by United States Department of Defense. (Quinlivan, Mark) (Entered: 07/28/2011)
08/23/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Richard G. Stearns: Hearing re outstanding issues held on 8/23/2011. The court will re-examine the Vaughn index and, if necessary, will re-review withheld material as appropriate. The government, however, will be given an opportunity to supplement any explanation that the court finds deficient.(Court Reporter: Helana Kline at helanakline@aol.com.)(Attorneys present: Chris Morgan (for Plaintiff), Mark T. Quinlivan (for Defendant)). (RGS, law2) (Entered: 08/23/2011)
05/07/2012		ELECTRONIC Clerk's Notes for proceedings held before Judge Richard G. Stearns: In camera document review held on 5/7/2012. Having completed its review of the Vaughn index and the documents designated by the parties for in camera review, the court has identified specific documents for which it will seek, by way an ex parte order, further explanation from the government as to the basis for the withholdings. (Court Reporter: None.)(Attorneys present: None.)(RGS, law2) (Entered: 05/07/2012)
05/08/2012	<u>108</u>	Judge Richard G. Stearns: EX PARTE SEALED ORDER, ENTERED.(Flaherty, Elaine) (Entered: 05/08/2012)
05/29/2012	<u>109</u>	Ex parte SEALED MOTION to extend by United States Department of Defense, FILED UNDER SEAL. (Attachments: # <u>1</u> Exhibit)(Flaherty, Elaine) (Entered: 05/30/2012)
05/30/2012	<u>110</u>	Judge Richard G. Stearns: SEALED EX PARTE ORDER entered. re <u>109</u> SEALED MOTION filed by United States Department of Defense hand delivered to AUSA Quinlivan 5/30/12(Flaherty, Elaine) (Entered: 05/30/2012)
06/28/2012	<u>111</u>	SEALED EX PARTE Department of Defense's Response to Court's Sealing Order of 5/8/12, and Statement Regarding Sealing, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 06/29/2012)
06/28/2012	<u>112</u>	SEALED EX PARTE Affidavit of Mark H. Herrington, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 06/29/2012)
07/03/2012		ELECTRONIC NOTICE Setting Ex parte Hearing with Department of Defense on its ex parte response to court. Ex parte hearing set for 7/6/2012 – 4:00 PM in Courtroom 21 before Judge Richard G. Stearns to seek clarification regarding classification of certain documents submitted for in camera review. While uncomfortable with the use of ex parte proceedings, as it may appear to be contrary to the fundamental nature of the adversary process, however, this court believes, as did the court in Arieff v. U.S. Dep't of the Navy, 712 F.2d 1462, 1469 (D.C. Cir. 1983) and Patterson by Patterson v. F.B.I., 893 F.2d 595 (3d Cir. 1990), that an ex parte proceeding is necessary "to determine whether the documents were privileged without destroying the very privilege that the Court was charged with protecting, if applicable." Pack v. Beyer, 157 F.R.D. 226, 230 (D.N.J. 1994). The court will ensure that a full record is kept of the proceeding as "an essential safeguard to protect Plaintiffs' interests." See United States v. Southard, 700 F.2d 1 (1st Cir. 1983). (Zierk, Marsha) (Entered: 07/03/2012)
07/05/2012	<u>113</u>	Objection by Stephen H. Oleskey <i>to Conduct of Ex Parte Proceedings and Request for Leave to Participate in Hearing</i> . (Morgan, Christopher) (Entered: 07/05/2012)
07/06/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered. Plaintiff's objection is noted, but the request is DENIED. The purpose of the hearing is to seek clarification on a procedural issue only involving the extent to which the government is agreeing to the unsealing of certain matters. There will be no discussion of the contents of any documents. Therefore the court has no need of counsel's assistance.(Zierk, Marsha) (Entered: 07/06/2012)
07/06/2012	<u>114</u>	Judge Richard G. Stearns: ORDER entered lifting seal on certain court Orders and documents. (Zierk, Marsha) (Entered: 07/06/2012)
07/06/2012	<u>115</u>	Judge Richard G. Stearns: Lobby Conference transcript entered. (Zierk, Marsha) (Entered: 07/06/2012)

07/06/2012		ELECTRONIC Clerk's Notes for proceedings held before Judge Richard G. Stearns: Status Conference held on 7/6/2012. See docket entry <u>115</u> . (Court Reporter: James Gibbons at jmsgibbons@yahoo.com.)(Attorneys present: AUSA Quinlivan) (Seelye, Terri) (Entered: 07/09/2012)
07/16/2012	<u>116</u>	Consent MOTION for Leave to File <i>Response to the Court's May 8, 2012 Sealed Order and Department of Defense's June 28, 2012 Response</i> by Stephen H. Oleskey.(Morgan, Christopher) (Entered: 07/16/2012)
07/17/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>116</u> Motion for Leave to File Document: Plaintiff's response to the May 8 Order, and the Department of Defenses June 28 Response, on or before August 20, 2012 in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Flaherty, Elaine) Modified text on 8/17/2012 (Seelye, Terri). (Entered: 07/17/2012)
08/20/2012	<u>117</u>	RESPONSE TO COURT ORDER by Stephen H. Oleskey re <u>108</u> Sealed Order <i>Regarding Withholdings</i> . (Morgan, Christopher) (Entered: 08/20/2012)
09/25/2012	<u>118</u>	Judge Richard G. Stearns: ORDER entered. (Zierk, Marsha) (Entered: 09/25/2012)
09/26/2012	119	ELECTRONIC NOTICE of In Camera Hearing set for 11/19/2012 at 4:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 09/26/2012)
11/14/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered canceling the November 19, 2012 hearing. The court issued its September 25, 2012 Order, and subsequent Notice of Hearing with the understanding that Oleskey and one or more of his counsel had the security clearances necessary for an in camera hearing with access to the remaining disputed documents. Now the court is informed that Oleskey and his counsel's security clearances are case specific and do not extend to the FOIA case. Consequently, the hearing serves no purpose. The court will independently review the emails again with the view of making a decision on their production in whole or in part. SO ORDERED.(Zierk, Marsha) (Entered: 11/14/2012)
11/14/2012	120	ELECTRONIC NOTICE Canceling the November 19, 2012 Hearing. (Seelye, Terri) (Entered: 11/14/2012)
11/20/2012	<u>121</u>	JOINT STATEMENT of counsel <i>and proposed schedule</i> . (Quinlivan, Mark) (Entered: 11/20/2012)
11/21/2012	122	Judge Richard G. Stearns: ELECTRONIC ORDER entered approving the re <u>121</u> Joint statement of counsel. Defendants memorandum due on or before 11/30/12; Plaintiffs memorandum due on or before 12/17/12. (Seelye, Terri) (Entered: 11/21/2012)
11/30/2012	<u>123</u>	MEMORANDUM OF LAW by United States Department of Defense. (Attachments: # <u>1</u> Amended Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba)(Quinlivan, Mark) (Entered: 11/30/2012)
12/17/2012	<u>124</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Zaid Abdullah Zaid Filing fee: \$ 100, receipt number 0101-4247189 by Stephen H. Oleskey.(Kirsch, Robert) (Entered: 12/17/2012)
12/17/2012	<u>125</u>	MEMORANDUM OF LAW by Stephen H. Oleskey to 122 Order. (Kirsch, Robert) (Entered: 12/17/2012)
12/18/2012	126	Judge Richard G. Stearns: ELECTRONIC ORDER entered granting <u>124</u> Motion for Leave to Appear Pro Hac Vice Added Zaid. <b>Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Flaherty, Elaine) (Entered: 12/18/2012)

01/09/2013	<u>127</u>	Judge Richard G. Stearns: ORDER entered. (Zierk, Marsha) (Entered: 01/09/2013)
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